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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/888,493	06/26/2001	Philip D. Mooney	MOONEY 71	9084

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EXAMINER
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BUI, BING Q

ART UNIT	PAPER NUMBER
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2642

DATE MAILED: 12/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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## Office Action Summary

**Application No.**

09/888,493

**Applicant(s)**

MOONEY, PHILIP D.

**Examiner**

Bing Q Bui

**Art Unit**

2642

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                                                        |                                                                                         |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                            | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

### DETAILED ACTION

1. Claims 1-19 are pending in the application for examination.

#### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Schellinger et al (US Pat No. 5,842,122), herein after referred as Schellinger.

Regarding claim 1, Schellinger teaches a multimode cell phone, comprising:

a cell phone functionality (see Figs 7-1 and 7-2; and col. 6, ln 58-col. 8, ln 31);

and

a RF communication functionality separate, at least in part, from said cell phone functionality (see Figs 7-1 and 7-2; and col. 6, ln 58-col. 8, ln 31); and

an automatic switch over module, in communication with both said cell phone functionality and said RF communication functionality, operable to switch a communication path established on one of said cell phone functionality and said RF communication functionality, with another communication path later established on the

other of said cell phone functionality and said RF communication functionality (see Figs 7-1 and 7-2; and col. 6, ln 58-col. 8, ln 31).

Regarding claim 2, Schellinger teaches the multimode cell phone according to claim 1, wherein said RF communication functionality is a cordless telephone (see Figs 7-1 and 7-2; and col. 6, ln 58-col. 8, ln 31).

Regarding claim 3, Schellinger teaches the multiphone cell phone according to claim 2, wherein said cordless telephone utilizes a piconet to communicate between a base unit and a matching remote handset (see Figs 7-1 and 7-2; and col. 6, ln 58-col. 8, ln 31).

Regarding claim 4, Schellinger teaches a method of automatically switching between a first type RF communication link and a second type RF communication link different from said first type RF communication link, comprising:

participating in said first type RF communication link (see Figs 7-1 and 7-2; and col. 6, ln 58-col. 8, ln 31);

sensing an availability of said second type RF communication link (see Figs 7-1 and 7-2; and col. 6, ln 58-col. 8, ln 31);

establishing said second type RF communication link while said first type RF communication link remains active (see Figs 7-1 and 7-2; and col. 6, ln 58-col. 8, ln 31);  
and

switching parties participating in said first type RF communication link to active utilization of said second type RF communication link (see Figs 7-1 and 7-2; and col. 6, ln 58-col. 8, ln 31).

Regarding claim 5, Schellinger teaches the method of automatically switching between a first type RF communication link and a second type RF communication link different from said first type RF communication link according to claim 4, further comprising after said switching parties step terminating said first type RF communication link (see Figs 7-1 and 7-2; and col. 6, ln 58-col. 8, ln 31).

Regarding claim 6, Schellinger teaches the method of automatically switching between a first  
20 type RF communication link and a second type RF communication link  
- different from said first type RF communication link according to claim 4,  
further comprising: prompting a user of said availability of said second type RF  
communication link (see Figs 7-1 and 7-2; and col. 6, ln 58-col. 8, ln 31).

Regarding claim 7, Schellinger teaches the method of automatically switching between a first type RF communication link and a second type RF communication link different from said first type RF communication link according to claim 4, wherein at least one of said RF communication links is a telephone  
call (see Figs 7-1 and 7-2; and col. 6, ln 58-col. 8, ln 31).

Regarding claim 8, Schellinger teaches the method of automatically switching between a first type RF communication link and a second type RF communication link different from said first type RF communication link according to claim 4, wherein said first type RF communication link is a cell phone call (see Figs 7-1 and 7-2; and col. 6, ln 58-col. 8, ln 31).

Regarding claim 9, Schellinger teaches the method of automatically switching between a first type RF communication link and a second type RF communication link different from said first type RF communication link according to claim 8, wherein said second type RF communication link is a cordless telephone call (see Figs 7-1 and 7-2; and col. 6, ln 58-col. 8, ln 31).

Regarding claim 10, Schellinger teaches the method of automatically switching between a first, type RF communication link and a second type RF communication link different from said first type RF communication link according to claim 9, wherein a cordless telephone used to participate in said cordless telephone call utilizes a piconet to communicate between a cordless telephone base unit and a matching remote handset (see Figs 7-1 and 7-2; and col. 6, ln 58-col. 8, ln 31).

Regarding claim 11, Schellinger teaches the method of automatically switching between a first type RF communication link and a second type RF communication link different from said first type RF communication link according to claim 4, wherein said second type RF communication link is a walkie-talkie (see Figs 7-1 and 7-2; and col. 6, ln 58-col. 8, ln 31).

As to claims 12-19, they are rejected for the same reasons set forth to rejecting claims 4-11 above, since claims 12-19 are merely a system for implementing the method defined in the method claims 4-11.

***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited to further show the state of the art in general:

U.S. Pat. No. 5,675,629

U.S. Pat. No. 5,774,805

U.S. Pat. No. 5,794,141

U.S. Pat. No. 6,167,278

U.S. Pat. No. 6,167,285

U.S. Pat. No. 6,317,582

U.S. Pat. No. 6,363,246

U.S. Pat. No. 6,415,158

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bing Bui whose telephone number is (703) 308-5858. The examiner can normally be reached on Monday through Thursday from 7:30 to 5:00.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on (703) 305-4731. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306 and for formal communications intended for entry (please label the response

Art Unit: 2642

☐ EXPEDITED PROCEDURE ☐ ) or for informal or draft communications not intended for entry (please label the response "PROPOSED" or "DRAFT").

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

04 DEC 2004



**BING Q. BUI**  
**PRIMARY EXAMINER**